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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/685,369

10/10/2000

Jeff Tucker

TUCK002

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37334

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12/21/2004

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EXAMINER

PORTER, RACHEL L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/685,369

Applicant(s)

TUCKER, JEFF

Examiner

Rachel L. Porter

Art Unit

3626

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.


NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-12.Claim(s) withdrawn from consideration: none.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments have been considered but they are not persuasive.

(A) As to the Applicant's arguments that the Evans reference does not disclose a secured website, the Examiner respectfully disagrees with the Applicant's interpretation of the prior art. Evans specifically discloses a system, which allows healthcare providers to access and annotate patient medical records, and transmits prescriptions for a patient. (col. 9, lines 9-14). The Evans reference further discloses that the system includes web servers, web browsers, and websites, and further discloses that it operates via the World Wide Web portion of the Internet (Figure 24, col. 12, lines 56-63).

On page 3 of the response filed 12/2/03, the Applicant apparently agrees that the Evans reference "is merely, therefore, teaching the use of a web browser to access patient files on a WAN..." The Applicant also cites a passage from the Evans reference that states that, Evans teaches the "EMR system providing communication through the World Wide Web." (col. 13, lines 20-30). Despite these statements, the Applicant then argues that the reference does not disclose websites, and only discloses simple file sharing, not a website. The applicant goes on to argue that the reference teaches away from the use of websites.

However, it is respectfully submitted that Figure 24 discloses several URL's (ref. nos. 436, 438, 406, 408, 410-- exemplary websites), which are used by physician access the disclosed system. (col. 13, lines 20-30). Furthermore, the Examiner understands a website to include a group of related documents (e.g. html documents), associated files, and databases that are served by one or more web servers across the World Wide Web. Therefore, it is unclear to the Examiner how the exchange of information (especially html documents-see Evans: Figure 14) using a web browser and at least one web server over the World Wide Web as disclosed by the Evans reference teaches away from a website.

Also, it is respectfully submitted that graphical user interfaces (GUI's) are commonly used in combination webpages and websites. Therefore, it is not seen by the Examiner that the use of GUI's as disclosed by Evans precludes the use of websites.

As to the Applicant's arguments regarding the security features of the website, Evans discloses that the identification of the healthcare provider is captured when he/she accesses the system (col. 14, lines 42-48), and further discloses that the system protects patient's confidentiality through the use of a tiered password system (col. 15, lines 20-32). The Examiner understands the information in these passages to mean that the system includes authorized ID's for users. An individual must be an authorized user (i.e. has an authorized username/user ID) and that the user's ID is linked with certain password privileges. If a user attempts to access the system, the user must present an authorized username/ID and that the username must match his/her access privileges or access to certain patient records will be denied.

(B) As to the applicant's arguments regarding claim 9, and the Boyer reference, these arguments have been addressed in the Final Rejection, and are incorporated herein. .